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11. (SBU) Summary: The January 23-24 African Union (AU) Summit in Khartoum will focus on the AU's efforts to make the organization more relevant for Africa, while retaining international credibility. The Summit will spotlight education, social and cultural issues, though the AU Commission's modest goal is to prompt member states to adhere to previous commitments. The AU hopes to achieve a common African position on HIV/AIDS in advance of the UN Special Session on AIDS. Important decisions to be taken at the Summit include the election of a new Assembly Chairman, justices for the new African Court of Justice and African Court of Human Rights, of ten new members to the Peace and Security Council (PSC), and approval of the AU's budget for 12006. Two key topics which are not guaranteed a resolution at the Summit are the African Committee on Human and People's Rights' plans to ask AU member states to take action on Zimbabwe, and Senegal's request for the AU to pronounce on the case of former Chadian President Habre. The AU Commission fears that Sudanese President Bashir will be elected Chairman of the Assembly. Congo-Brazzaville President Sassou-Nguesso is the only other candidate vying to replace Obasanjo as Chairman of the AU Assembly. While a Bashir chairmanship would negatively impact AU ability to serve as a moral authority to address peace and security challenges on the continent, AU institutions such as the Peace and Security Council would continue to function as they have been. Note: Summit agendas and Executive Council reports were forwarded to AF/RSA. End summary.

SEEKING RELEVANCE WHILE IMPROVING CAPACITY

12. (SBU) The AU Commission is making a conscious effort to demonstrate to member states and the international community that it is different, in a positive sense, from its defunct predecessor organization, the OAU. In the realm of Peace and Security, the AU sees its mission in Darfur (AMIS) as the first opportunity to test a policy of "non-indifference" as opposed to the OAU's "non-interference." Ongoing efforts to develop five regional brigades under an African Standby Force (ASF) with proper doctrine; standard operating procedures; command, control, communications and information systems; training and evaluation; and logistics support is also designed to give the AU tools of proactivity in contrast to ad-hoc peace support operations such as AMIS. The

Commissioner for Social Affairs, Bience Gawanas, points out that the AU's attention to social issues and problems directly affecting Africans is another key means of differentiating the AU from the OAU.

13. (SBU) AU officials highlight the challenge of undertaking proactive agendas to prove to member states and partners that the AU is a changed organization, while not yet having the institutional structures in place to adequately pursue its ambitious efforts. The AU Commission is spearheading a process of institutional transformation to improve administrative, financial and management support functions, and to conclude an MOU with the regional economic communities (RECs) on respective roles and responsibilities. While debate on the MOU with the RECs and rationalization of REC membership has been postponed to the July 2006 Summit in Banjul, AU partners are funding an institutional assessment to assist in making the AU Commission more effective and capable of receiving flexible funding.

AU ASSEMBLY CHAIR AND AU CREDIBILITY/LATITUDE OF ACTION

14. (SBU) The AU Commission remains deeply concerned that Sudanese President El-Bashir will be selected to succeed President Obasanjo as Chairman of the AU Assembly (See Ref A). The AU Commission fears that member states will not be proactive in protecting AU credibility by ensuring Bashir is defeated. Congo-Brazzaville President Sassou-Nguesso is also a declared candidate. Another compromise option would be for member states to extend Obasanjo's term -- though the Eastern and Central regions maintain that the Chair should rotate.

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15. (SBU) The AU Commission notes that a Bashir Chairmanship would in many respects make for a "dead year" for the AU due to Bashir's lack of moral authority to address conflict situations on the continent. While a strong and credible Assembly Chairman is key to pushing forward proactive agendas and mustering international community support, AU organs such as the Peace and Security Council should continue to function as they have been irrespective of the Chairman's identity. Under the PSC Protocol, PSC members work with the Chairperson of the Commission (i.e. Konare) to decide on courses of action to address conflict situations or other threats to continental peace and security. The Assembly Chairman's ability to resist Commission actions in follow-up to a PSC decision (such as Obasanjo's "turning off" Konare's plan to deploy a special envoy for Togo) remains, but appears to be based on personal influence. Under the rules of procedure of the Assembly, the Chairman runs Assembly sessions and, in-between sessions, "represents the Union in conformity with Constitutive Act objectives and principles." Lack of cooperation between the Chairperson of the Commission and Assembly Chairman, though, could hinder AU ability to proactively address unconstitutional changes of government and other sensitive topics. Other agendas such as institutional transformation and items approved by the Assembly at Khartoum should continue.

SPOTLIGHT ON SOCIAL ISSUES

16. (SBU) The Khartoum Summit intends to spotlight education, culture, health and other social issues. According to Gawanas, the AU wants to mobilize member states to reaffirm and implement previous commitments. The AU also seeks to foster member state debate on the links between culture and education and develop strategies for education promotion. Gawanas said that the AU revised the 1976 cultural charter and intends to implement a plan of action on cultural industries in Africa. The AU seeks agreement on a continental framework for reproductive health, a nutrition

strategy, and a common position on HIV/AIDS ahead of the UN General Assembly Special Session on AIDS (UNGASS). Gawanas noted that the common position will link with the Abuja Summit plan of action on HIV/AIDS, malaria and tuberculosis. On other health issues, Gawanas said that ministers of animal husbandry will report on avian influenza. According to the draft report, the AU proposes to strengthen surveillance of the disease, sensitize member states, and arrange for provision of emergency vaccine stock and an emergency fund for rapid intervention. AU Commission Chairperson Konare plans to urge member states to follow up on polio eradication commitments, which will form a priority program for the AU in 2006.

PEACE AND SECURITY

17. (SBU) A foreign-ministers level meeting of the PSC in Khartoum will receive the PSC Chair's (Cameroon) report on PSC activities in 2005. African diplomats in Addis have speculated that the PSC may discuss Chad-Sudan tensions, Ethiopia-Eritrea and Cote d'Ivoire, but Ethiopia's PSC representative stressed that no specific agenda has been set. The PSC is scheduled to meet on the future of AMIS on January 12 in Addis.

18. (SBU) The Khartoum Summit will consider the Draft Common African Position on the UN Review Process on the Plan of Action on Small Arms and Light Weapons, developed in Windhoek in December, 2005. In addition, Nigeria has proposed consideration of AU member state ratification of the Pelindaba Treaty, which would establish Africa as a nuclear-free zone. In the Commission's report to the Summit, the Chairperson appeals to African countries to ratify the treaty, noting that while 49 member states have signed the treaty, only twenty have ratified it. African diplomats indicate that post-conflict reconstruction in Sudan will be discussed on the margins of the meeting.

BUDGET 2006

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19. (SBU) Based on a new system of assessed contributions developed under South African leadership at the Abuja Summit, five AU member states (Algeria, Egypt, Libya, Nigeria and South Africa) will provide 75 percent of the AU's core budget. According to African diplomats in Addis Ababa, the core budget, which covers AU operational costs, will likely be set at the level of 69 million dollars. The voluntary budget should amount to 60 million dollars. South Africa has kicked in 11 million dollars and Ethiopia 100,000 dollars to the voluntary budget, which will support programs across the four AU pillars: peace and security (54 percent), regional integration (24.5 percent), institutional transformation (15 percent) and shared vision (6.5 percent). According to the Commission's report for 2005, the AU received approximately \$36 million dollars of the approximately \$60 million dollars in assessed contributions in 2005. With a history of member states not offering voluntary contributions, the AU Commission will rely on its partners to fill the majority of the programmatic budget. An extraordinary session of the Executive Council (Foreign Ministers) will meet in Khartoum to decide on the budget, and will also consider a report on "alternative sources of financing."

110. (SBU) The AU Commission originally requested over 300 million dollars for 2006. Member states representatives involved in the extensive budgetary discussions in Addis Ababa found the AU agenda "too ambitious" and will approve only a modest increase to the 2005 operational budget of 63 million dollars. North African countries reportedly balked at approving too high a budget due to the requirement that

they pay 15 percent of it.

ORGANS AND INSTITUTIONS

¶11. (SBU) According to AU Legal Director Ben Kioko, the AU will move ahead to establish the African Court of Justice and African Court of Human and Peoples Rights while pursuing eventual merger of the two courts in parallel. Eleven judges for each court will be elected at the Summit in Khartoum, but the eventual merged court may have a total of 15 judges. Kioko noted that the Eastern Region owes the AU a decision on the seat of the courts. Mauritius, Tanzania and Sudan are contenders, but Kioko believes Tanzania may win the regional vote. Kioko said that the first meeting of the courts will take place in April 2006. The meeting will decide rules of procedure and the relationship between the ACJ and Court of Human and Peoples Rights pending the merger.

¶12. (SBU) The Khartoum Summit will elect ten new members to the Peace and Security Council (PSC). Terms are up for Cameroon, Congo, Kenya, Sudan, Libya, Lesotho, Mozambique, Ghana, Senegal and Togo. According to Egyptian and Ethiopian diplomats in Addis Ababa, the Northern Region is pressing for an extra PSC seat. The Northern Region argues that it only temporarily ceded a seat to the Western region (which has four seats to the three of the Southern, Central and Eastern Regions and two of the Northern Region), while AU officials say there is no written record indicating a "temporary" arrangement. Note: AU Commission Chairperson Konare and the Commissioners' terms are up in July 2007. End note.

¶13. (SBU) According to AU officials and African diplomats, differences of opinion on how to proceed with the integration of NEPAD into the AU Commission have blocked progress on that ultimately inevitable goal. The AU Summit does plan to discuss the African Peer Review Mechanism (APRM) and the completed reports on Ghana and Rwanda.

¶14. (SBU) Summit agenda items proposed by Libya highlight the continued debate amongst AU member states on the desired pace of integration. Some member states, such as Ethiopia, favor a more measured approach to build up AU Commission capacity and AU institutions before going to far with continental integration. Others, such as Libya, advocate accelerated integration and a higher profile for the AU through development of an African passport, common currency, and posts of African ministers of defense, etc.

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HUMAN RIGHTS -- THE HABRE CASE AND ZIMBABWE

¶15. (SBU) The AU Commission registered "surprise" at Senegal President Wade's referral of the Hissene Habre case to the AU. AU officials comment that the AU is worried that the Summit context will over-politicize the Habre case and overshadow legal arguments. AU Commission Chairperson Konare reportedly sought Assembly Chairman Obasanjo's input on a number of alternatives to considering the former Chadian leader's case at the Summit, but the issue remains on the Summit agenda. AU Legal comments that rules of procedure for the African Court of Justice and Human and Peoples Rights will be key to determining if the court(s) could hear cases like Habre's; and questioned whether the UNSC would allow the establishment and funding of a court to try Habre.

¶16. (SBU) The AU's specialized body the African Commission on Human and Peoples' Rights (ACHPR) issued a declaration in Banjul in early December, 2005 "condemning" human rights violations taking place in Zimbabwe. The ACHPR also urged the AU to renew the mandate of the AU Envoy to Zimbabwe. While the ACHPR plans to raise the Zimbabwe report at the

Summit, the ACHPR appears to plan to do so in conjunction with various other reports for 2005. It is uncertain that the Summit will specifically address Zimbabwe.

UN REFORM

¶17. (SBU) AU Legal Counsel predicts another extraordinary session after the Khartoum summit to tackle the issue of UN Reform. The AU had intended to center discussions around the result of a UN vote on an African-sponsored resolution based on the "Ezulwini Consensus", but the results of that proposal are as yet unknown. The AU will likely focus on intensifying lobbying efforts.

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